

ED

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/552,579	MORIMOTO ET AL.	
	Examiner	Art Unit	
	Theresa Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Preliminary Amendment filed on Oct. 12, 2005.
2.  The allowed claim(s) is/are 1-18.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

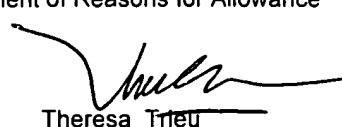
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date Oct. 12, 2005
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date Feb. 14, 2007
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_



Theresa Trieu  
Primary Examiner  
Art Unit: 3748

### **EXAMINER'S AMENDMENT**

Receipt and entry of Applicant's Preliminary Amendment filed on Oct. 12, 2005 is acknowledged.

Claims 1 and 10 have been amended. Claims 11-18 have been added. Accordingly, claims 1-18 are pending in this application.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

2. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James E. Armstrong, IV (Reg. No. 42,266) on February 14, 2007. During telephone conversation with Mr. Armstrong, an agreement was reached to amend claims 9-18, the title and the specification. The application has been amended as follows:

*Specification*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Therefore, the following title has been amended as: "SCROLL COMPRESSOR HAVING AN ANNULAR RECESS LOCATED OUTSIDE AN ANNULAR SEAL PORTION AND ANOTHER RECESS COMMUNICATING WITH SUCTION PORT OF FIXED SCROLL".

4. Page 18, line 1 and 2, "inner wall surface 106" has been changed to -- inner wall surface 101 --. The amendment to the specification has been entered to correct a typographical error.

*Claims*

5. - Claim 9 (see Preliminary Amendment filed on Oct. 12, 2005): page 4, line 3, " and the like" has been deleted.
6. Regarding claims 10-18, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

- Claim 10: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 11: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 12: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 13: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 14: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 15: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 16: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 17: page 4, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

- Claim 18: page 5, line 2, "refrigerant, e.g., carbon dioxide is used as refrigerant" has been changed to -- refrigerant is carbon dioxide -- .

The amendments to the claims have been entered in order to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph.

***Allowable Subject Matter***

7. Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious the claimed combination including: a surface of the fixed scroll outside of the scroll lap of the fixed scroll is formed with: a substantially annular seal portion which extends such that having an outer wall surface outwardly extending from an inner wall surface of outermost periphery of the scroll lap of the fixed scroll along the inner wall surface, and which comes into slide contact with the end plate of the orbiting scroll; a substantially annular recess located outside of the substantially annular seal portion; and a recess which is brought into communication with an intake port of the fixed scroll independently from the substantially annular recess.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Prior Art***

The IDS (PTO-1449) filed on Oct. 12, 2005 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of seven patents: Ikegawa et al. (U.S. Patent Number 4,443,166), Terai et al. (U.S. Patent Number 5,730,588), Williams et al. (U.S. Patent Number 5,791,887), Mukai et al. (U.S. Patent Number 6,345,967), Sakurai et al. (Publication Number JP 04-321701), Machida

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et al. (Publication Number JP 06-137281), and Kobayakawa et al. (Publication Number JP 2001-153068), each further discloses a state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
February 20, 2007

  
Theresa Trieu  
Primary Examiner  
Art Unit 3748